

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Permit 17861 (Application 25176)
Solano Irrigation District

**ORDER APPROVING EXTENSION OF TIME
AND AMENDING THE PERMIT**

SOURCE: Putah Creek

COUNTY: Napa

WHEREAS:

1. Permit 17861 was issued to Solano Irrigation District on April 2, 1980, pursuant to Application 25176.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use was filed with the State Water Resources Control Board (SWRCB) on November 21, 1996.
3. By letter dated June 16, 1998, the permittee indicated that full use of water has been made and requested that a license be issued. Division of Water Rights staff has not yet conducted a licensing inspection. The permittee has revised the time extension request and now requests a time extension to cover the period between December 1, 1996 and the date of the licensing inspection, up to a maximum of 10 years.
4. The permittee has proceeded with diligence and good cause has been shown for an extension of time. Public notice of the request for an extension of time was issued on March 16, 2001. No protests were received.
5. The SWRCB has determined that the petition for an extension of time does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. Permit conditions 17 and 18 subject Permit 17861 to the 33,000 acre-feet per annum depletion requirement for permits in the upper Putah Creek watershed above Monticello Dam that are junior to permitted Application 11199, 12578 and 12716 of U.S. Bureau of Reclamation (Reclamation) for the Lake Berryessa Project.

Permit 17861 is for hydroelectric power generation at a powerhouse on Monticello Dam. Solano Irrigation District uses the flows released or passed through the outlet works of Monticello Dam by Reclamation, pursuant to Reclamation's permitted Applications 11199, 12578 and 12716, to

generate hydroelectric power under Permit 17861. Thus, operation of the power plant does not deplete flows available to Reclamation pursuant to its permits for the Lake Berryessa Project, nor does it deplete streamflow in the upper Putah Creek watershed above Monticello Dam. Permit conditions 17 and 18 are inapplicable and shall be deleted.

7. The State Water Resources Control Board does not have jurisdiction to prepare an environmental document subject to the California Environmental Quality Act, or make determinations regarding the environmental conditions for water use under the subject permit because the hydroelectric power generation project is subject to regulation by the Federal Energy Regulatory Commission.

NOW, THEREFORE, IT IS ORDERED THAT PERMIT 17861 IS AMENDED TO READ AS FOLLOWS:


1. Condition 8 of the permit be deleted and condition 9 be amended to read:

Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2006.

(0000009)

2. Conditions 17 and 18 of the permit are deleted.
3. All other conditions of Permit 17861 are still applicable.

STATE WATER RESOURCES CONTROL BOARD


for Edward C. Anton, Chief
Division of Water Rights

Dated: MAY - 3 2002

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25176

PERMIT 17861

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1996 (0000009)

2. Paragraph 12 of this permit is deleted. A new paragraph 12 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

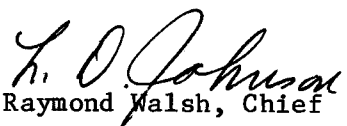
The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

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The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: AUGUST 8 1986

for 
Raymond Walsh, Chief
Division of Water Rights

P17861

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25176

PERMIT 17861

LICENSE _____

ORDER CORRECTING LOCATION OF PROJECT

WHEREAS:

1. Permit 17861 was issued to Solano Irrigation District on April 2, 1980.
2. The proposed project, a powerhouse, is described as being located in Napa County instead of Solano and Yolo Counties.

NOW, THEREFORE, IT IS ORDERED THAT:

The description of the project under said Permit 17861 be corrected to read as follows:

Counties of Solano and Yolo

Dated: AUGUST 19 1980

L. C. Spencer for
Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17861

Application 25176 of SOLANO IRRIGATION DISTRICT

508 ELMIRA ROAD, VACAVILLE, CALIFORNIA 95688

filed on OCTOBER 19, 1976, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

PUTAH CREEK

YOLO BYPASS

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
S47°30'W, 2640 FT FROM NE CORNER OF SECTION 29	SW1/4 OF NE1/4	29	8N	2W	MD

County of NAPA

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
POWER	POWERHOUSE IN SW1/4 OF NE1/4	29	8N	2W	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 1125 CUBIC FEET PER SECOND TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR.

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Said construction work shall be completed on or before DECEMBER 1, 1983. (0000008)

9. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1984. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. THIS PERMIT SHALL NOT BE CONSTRUED AS CONFERRING UPON THE PERMITTEE RIGHT OF ACCESS TO THE POINT OF DIVERSION. (0000022)

15. THE EQUIVALENT OF THE CONTINUOUS FLOW ALLOWANCE FOR ANY 14-DAY PERIOD MAY BE DIVERTED IN A SHORTER TIME, PROVIDED THERE BE NO INTERFERENCE WITH OTHER VESTED RIGHTS AND INSTREAM BENEFICIAL USES; AND PROVIDED FURTHER THAT ALL TERMS OR CONDITIONS PROTECTING INSTREAM BENEFICIAL USES BE OBSERVED. (0000027)

16. WATER DIVERTED UNDER THIS PERMIT IS FOR NONCONSUMPTIVE USES AND IS TO BE RELEASED TO PUTAH CREEK WITHIN SW1/4 OF NE1/4 OF SECTION 29, T8N, R2W, MDB&M. (0000111)

17. THIS PERMIT IS SUBJECT TO THE 33,000 ACRE-FOOT ANNUAL STREAMFLOW DEPLETION RESERVATION CONTAINED IN PERMITTED APPLICATIONS 11199, 12578 AND 12716. USE UNDER APPLICATIONS FILED AFTER OCTOBER 29, 1945, WHICH IS WITHIN THE AFOREMENTIONED RESERVATION AMOUNT, SHALL HAVE PRIORITY OVER THIS PERMIT. (0000999)

18. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION TO ESTABLISH THE PRIORITY RELATIONSHIP BETWEEN THIS PERMIT AND FUTURE APPLICATIONS IN THE WATERSHED ABOVE MONTICELLO DAM FILED AFTER THE ABOVE RESERVATION IS FULLY UTILIZED. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING.

BEFORE APPROVING APPLICATIONS FILED AFTER THE RESERVATION IS FULLY UTILIZED, THE BOARD WILL REQUIRE EACH SUCH APPLICANT TO SUBMIT EVIDENCE OF AN ALTERNATE SUPPLY, BY EXCHANGE OR OTHERWISE, TO SATISFY THE WATER REQUIREMENTS OF SUCH APPLICANT DURING YEARS WHEN NO WATER MAY BE DIVERTED UNDER THE PRIORITY OF THAT APPLICATION. (0000600)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: | APRIL 2 1980

STATE WATER RESOURCES CONTROL BOARD

Walter Pettit
CHIEF, DIVISION OF WATER RIGHTS

17. THIS PERMIT IS SUBJECT TO THE 33,000 ACRE-FOOT ANNUAL STREAMFLOW DEPLETION RESERVATION CONTAINED IN PERMITTED APPLICATIONS 11199, 12578 AND 12716. USE UNDER APPLICATIONS FILED AFTER OCTOBER 29, 1942, WHICH IS WITHIN THE AFOREMENTIONED RESERVATION AMOUNT, SHALL HAVE PRIORITY OVER THIS PERMIT.

18. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION TO ESTABLISH THE PRIORITY RELATIONSHIP BETWEEN THIS PERMIT AND FUTURE APPLICATIONS IN THE WATERSHED ABOVE MONTICELLO DAM FILED AFTER THE ABOVE RESERVATION IS FULLY UTILIZED. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING.

BEFORE APPROVING APPLICATIONS FILED AFTER THE RESERVATION IS FULLY UTILIZED, THE BOARD WILL REQUIRE EACH SUCH APPLICANT TO SUBMIT EVIDENCE OF AN ALTERNATE SUPPLY, BY EXCHANGE OR OTHERWISE, TO SATISFY THE WATER REQUIREMENTS OF SUCH APPLICANT. DURING YEARS WHEN NO WATER MAY BE DIVERTED UNDER THE PRIORITY OF THAT APPLICATION.